

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Governmental Operations Committee

BILL: CS/SB 948

INTRODUCER: Commerce Committee and Senator Diaz de la Portilla

SUBJECT: Concealed Weapons Licenses/Residency Requirements

DATE: April 11, 2008 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rogers	Cooper	CM	Fav/CS
2.	Pardue	McElroy	MS	Favorable
3.	McKay	Wilson	GO	Favorable
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

The bill clarifies the residency requirements to obtain a Florida license to carry a concealed weapon or firearm. The bill requires that an applicant must be a United States citizen or permanent resident alien of the United States.

The bill amends s. 790.06, F.S.

II. Present Situation:

Concealed Weapons Licenses

Section 790.06, F.S., which governs concealed weapons licenses, allows the Department of Agriculture and Consumer Services (department) to issue a concealed weapons license to an individual, if otherwise not disqualified, who is:

- A resident of the United States; or
- A consular security official of a foreign government that maintains diplomatic relations and treaties of commerce and friendship, and navigation with the United States, and is

certified as such by the foreign government and by the appropriate embassy in this country.

However, this section does not define the term “resident.” As a result, “resident” may be understood as meaning anyone lawfully residing in the United States.

The department has stated that this is a security concern for Florida citizens because a visitor to the United States is considered as lawfully residing in the United States. The department has requested that the residency requirement be clarified to mean a permanent resident alien or a resident U.S. citizen.

Aliens

A Permanent Resident Alien is an alien admitted to the United States as a lawful permanent resident. Permanent residents are also commonly referred to as immigrants; however, the Immigration and Nationality Act (INA) broadly defines an immigrant as any alien in the United States, except one legally admitted under specific nonimmigrant categories.¹ An illegal alien who entered the United States without inspection, for example, would be strictly defined as an immigrant under the INA but is not a permanent resident alien. Lawful permanent residents are legally accorded the privilege of residing permanently in the United States. They may be issued immigrant visas by the Department of State overseas or adjusted to permanent resident status by the Bureau of Citizenship and Immigration Services in the United States.²

Non-permanent resident aliens are citizens of another country who reside in the U.S. under a Conditional Resident Alien Card, Temporary Resident Card, work visa, student visa or some other permit for some specified period of time.

Federal law generally prohibits nonimmigrant aliens from obtaining, transporting, or possessing a firearm or ammunition which has been shipped or transported in interstate commerce.³ Exceptions to this policy include persons admitted to this country for lawful hunting or sporting purposes, official accredited representatives of foreign governments, officials of foreign governments or distinguished foreign visitors so designated by the U. S. Department of State, and foreign law enforcement officers entering the United States on official law enforcement business.⁴

However, there are more than 75 classifications of nonimmigrant visas – each based on the reason for entering the United States and having different terms of admission. The U. S. Citizenship and Immigration Services data further indicates that in 2004, the United States received almost 173 million nonimmigrant visits.⁵

¹ INA section 101(a)(15)

² See <http://www.visaportal.com/glossary/term.asp?id=45>.

³ 18 U.S.C., Part I, Chapter 44, Section 922

⁴ Id.

⁵ U.S. Citizenship and Immigration Services, Temporary Migration to the United States: Nonimmigrant Admissions Under U. S. Immigration Law, January 2006.

III. Effect of Proposed Changes:

Section 1 amends s. 790.06, F.S., to clarify the term “resident of the United States” with regards to the residency requirement to obtain a license to carry a concealed weapon or firearm. The bill requires that an applicant must be a United States citizen or permanent resident alien of the United States.

Section 2 provides that the provisions of the bill are remedial in nature and will apply to all applications for a license pending on the date this act becomes law, as well as to all licenses renewed after the effective date of this act.

Section 3 provides that the bill will take effect upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Commerce on March 25, 2008:

This CS replaces a shell bill and defines “resident of the United States” with regards to the United States residency requirement to obtain a license to carry a concealed weapon or firearm. This bill defines resident of the United States as “a United States citizen or permanent resident alien of the United States.”

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.
